

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 4-5, 17, 21-22, 24-25, 27, 31, 33-36, 42, 50, 52-54, 56 and 59 are pending, with claims 1, 31 and 50 amended, and claims 3, 6, 11-12, 48-49, 55 and 57-58 cancelled without prejudice or disclaimer by the present amendment. Claims 1, 31 and 50 are independent.

In the Official Action, claims 1-6, 11-12, 17, 21-22, 24-25, 27, 31, 33-36, 42-43, 47-55 and 58-59 were rejected under 35 U.S.C. § 102(e) as being anticipated by Chung (U.S. Patent Pub. No. 2003/0086690); and claims 56-57 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Chung and Kelts (U.S. Patent Pub. No. 2001/0030667).

Applicant notes that numbered paragraph 3 of the Official Action does not list claim 11 as being rejected, whereas the body of the rejection does reference claim 11.

Independent claim 1 is amended to recite the features of previously pending claims 6 and 11-12, respectively. Claim 1 is further amended to more clearly describe and distinctly claim applicant's invention. Independent claims 31 and 50 are similarly amended. Support for this amendment is found in Applicant's originally filed specification. No new matter is added.

In view of the incorporation of previously pending claims 6 and 11-12 into claim 1, the rejection of claim 1 is moot. The following comments are directed to the rejection of previously pending claims 6 and 11-12.

Briefly recapitulating, amended claim 1 is directed to

A method for setting a playback environment for a recording medium, the method comprising:

loading a start-up file into a temporary storage area, ***the start-up file including server access information;***

setting a system environment according to system environment elements prior to reproducing A/V data recorded on the recording medium,

wherein the system environment elements correspond to at least one of playback right information, region code information, language information of the additional contents, and memory management information,

wherein the memory management information identifies a space of the temporary storage area for storing at least one of the start-up file and the additional contents,

wherein the additional contents are differently designated according to the playback right information or the region code information;

determining an availability of the additional contents based on control data received through a communication network from an external server, ***the external server storing the additional contents;***

storing the additional contents in the temporary storage area as a result of the determining step; and

reproducing the A/V data and the additional contents loaded in the temporary storage area according to the control data,

wherein said additional contents includes at least one of an HTML file, an image file and a sound file.

Chung describes a method of reproducing data from an interactive optical storage medium in a reproducing apparatus having a memory. The method includes: reading a control information file having control information to form an interactive screen and preload font information from the interactive optical storage medium; reading a data file of the interactive screen; reading a preload file when a preload command is included in the data file of the interactive screen and preloading the fonts (which are defined by the preload file representing displayable language of the interactive screen) into the memory of the reproducing apparatus; outputting the interactive screen in one of the preloaded fonts according to the data file of the

interactive screen; and synthesizing an A/V data screen in which A/V data is reproduced, with the interactive screen in the one of the preloaded fonts.

Referring to FIGS. 5 through 7 and 11A of Chung, in operation 1110, a file DVD_ENAV.IFO having control information for constituting an initial interactive screen is read from the interactive optical storage medium. *In operation 1120, the device of Chung determines whether the basic fonts to be initially loaded are included in the control information file.* In operation 1121, the basic fonts are loaded into the third memory 960 of FIG. 9 when the basic fonts to be initially loaded *are included* in the control information file. In operation 1130, the data file of the defined interactive screen is read when the basic fonts to be initially loaded *are not included* in the control information file in step 1120 and after operation 1121.

However, Chung does not disclose or suggest Applicant's claimed a) start-up file including server access information; b) system environment elements corresponding to at least one of playback right information, region code information, language information of the additional contents, and memory management information; and c) external server storing the additional contents. Applicant's rationale follows.

The Official Action asserts that the [A.HTM] directory of Chung corresponds to Applicant's claimed "system environment elements being included in the start-up file." However, the [A.HTM] directory of Chung represents HTML file having data of the output screen A in relation to video reproduction information. On the other hand, Applicant's start-up information is included in the start-up file, and the start-up file includes both server access information and information about the system environment settings. There is no server access information in the [A.HTM] directory of Chung. Thus, for a first reason, amended independent claim 1 patentably defines over Chung.

Also, one skilled in the art would know that processing system environment settings (i.e., Applicant's claimed invention) is performed prior to reproducing A/V data on the recording medium (per Chung). Therefore, Chung's use of the [A.HTM] directory to display an output with reference to video reproduction information is different from the system environment settings of the present invention. Thus, for a second reason, amended independent claim 1 patentably defines over Chung.

Furthermore, Chung also does not disclose or suggest Applicant's claimed system environment elements corresponding to at least one of playback right information, region code information, language information of the additional contents, and memory management information. The Official Action also asserts that Chung's right to output determined font corresponds to Applicant's claimed playback right. However, in Chung, when there is no suitable font, a font that can be replaced and displayed on the screen is searched and displayed on the screen using additional information when preloading of the font. However, Applicant's claimed playback right is information authorizing access to A/V data on the recording medium. Chung's ability to substitute fonts is not related to Applicant's claimed playback right. Chung does not disclose the other features recited in the alternative in the above-identified claim element. Thus, for a third reason, amended independent claim 1 patentably defines over Chung.

Furthermore, Chung does not disclose or suggest Applicant's claimed memory management information associated with a space of the temporary storage area for storing at least the start-up file. Thus, for a fourth reason, amended independent claim 1 patentably defines over Chung.

Additionally, there is no reference in Chung to an external server storing the additional contents. Thus, for a fifth reason, amended independent claim 1 patentably defines over Chung.

Applicant submits that amended independent claims 31 and 50 patentably define over Chung for reasons similar to those presented above relative to amended independent claim 1.

MPEP § 2131 notes that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also MPEP § 2131.02. “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because Chung does not disclose or suggest all of the features recited in claims 1, 31 and 50, Chung does not anticipate the invention recited in claims 1, 31 and 50, and all claims depending therefrom.

Applicant has considered the remaining applied references and submits that the remaining references do not cure the deficiencies of Chung. As none of the cited art, individually or in combination, disclose or suggest at least the above-noted features of independent claims 1, 31 and 50, Applicant submits the inventions defined by claims 1, 31 and 50, and all claims depending therefrom, are not rendered obvious by the asserted references for at least the reasons stated above.

MPEP 2141 notes that prior art is not limited just to the references being applied, but includes the understanding of one of ordinary skill in the art. MPEP 2141 further notes that the prior art reference (or references when combined) need not teach or suggest all the claim limitations. However, an obviousness-type rejection must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. MPEP 2141 goes on to list exemplary rationales that may support a conclusion of obviousness. However, Applicant submits that the Official Action and the applied references

present no objective evidence that would support an obviousness-type rejection of Applicant's amended claims based on one of these exemplary rationales.

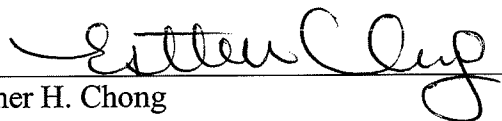
CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael E. Monaco, Reg. No. 52,041, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.147; particularly, extension of time fees.

Dated: June 4, 2010

Respectfully submitted,

By 
Esther H. Chong
Registration No.: 40953
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000